

110TH CONGRESS
2D SESSION

S. 3667

To clarify the application of section 14501(d) of title 49, United States Code, to prevent the imposition of unreasonable transportation terminal fees.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1 (legislative day, SEPTEMBER 17), 2008

Mr. LAUTENBERG (for himself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To clarify the application of section 14501(d) of title 49, United States Code, to prevent the imposition of unreasonable transportation terminal fees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prevention of Unrea-
5 sonable Fees Act”.

6 **SEC. 2. PREVENTION OF UNREASONABLE FEES.**

7 Section 14501(d) of title 49, United States Code is
8 amended—

1 (1) by striking “on account of the fact that a
2 motor vehicle” and inserting “to be paid by or with
3 respect to a motor vehicle that”;

4 (2) by redesignating paragraph (3) as para-
5 graph (4);

6 (3) by inserting after paragraph (2) the fol-
7 lowing:

8 “(3) TRANSPORTATION TERMINAL FEES.—

9 “(A) FEES PROHIBITED.—An operator of
10 a transportation terminal that, at any time
11 after the date of enactment of the Prevention of
12 Unreasonable Fees Act, uses any Federal funds
13 for construction, expansion, renovation, or other
14 capital improvement of that transportation ter-
15 minal, or for the purchase or lease of any
16 equipment installed in that transportation ter-
17 minal or on its property, may not charge any
18 fee to a provider of pre-arranged ground trans-
19 portation service described in paragraph (1)(B),
20 except—

21 “(i) a fee charged to the general pub-
22 lic for access to or use of any part of the
23 transportation terminal; or

24 “(ii) a fee for the availability of ancil-
25 lary facilities at the transportation ter-

1 minal that is reasonable in relation to the
 2 costs of operating the ancillary facilities.

3 “(B) DEFINITIONS.—In this subsection:

4 “(i) TRANSPORTATION TERMINAL.—
 5 The term ‘transportation terminal’ means
 6 any airport, port facility for ships or boats,
 7 train station, or bus terminal, including
 8 any principal buildings and all ancillary
 9 buildings, roads, runways, and other facili-
 10 ties.

11 “(ii) ANCILLARY FACILITIES.—The
 12 term ‘ancillary facilities’ includes rest-
 13 rooms, vending machines, monitoring fa-
 14 cilities that advise parties accessing the
 15 transportation terminal of arrivals or de-
 16 partures of aircraft, buses, trains, ships, or
 17 boats, and such other facilities determined
 18 by the Secretary to be necessary, appro-
 19 priate, desirable, or useful to the business
 20 of providing pre-arranged ground transpor-
 21 tation service.”;

22 (4) by striking “an airport, train, or bus” in
 23 subparagraph (B) of paragraph (4), as redesignated,
 24 and inserting “a transportation”;

1 (5) by striking “and” after the semicolon in
2 such subparagraph (B);

3 (6) by redesignating subparagraph (C) as sub-
4 paragraph (D);

5 (7) by striking “service.” in subparagraph (D),
6 as redesignated, and inserting “service; or”;

7 (8) by inserting after subparagraph (B) the fol-
8 lowing:

9 “(C) as prohibiting or restricting a trans-
10 portation terminal operator from requiring vehi-
11 cles that cannot safely use parking facilities
12 that are otherwise available to the general pub-
13 lic to use segregated facilities, if the fee for
14 such facilities is no more than is charged to the
15 public for similar facilities;”; and

16 (9) by inserting after subparagraph (D), as re-
17 designated, the following:

18 “(E) as restricting the right of any State
19 or political subdivision of a State to require a
20 license or fee (other than a fee by a transpor-
21 tation terminal operator prohibited by para-
22 graph (3)) with respect to a vehicle that is pro-
23 viding transportation not described in para-
24 graph (1).”.

1 **SEC. 3. REGULATIONS.**

2 (a) IN GENERAL.—Not later than December 31,
3 2010, the Secretary of Transportation shall promulgate
4 regulations to carry out the provisions of section 14501(d)
5 of title 49, United States Code, as amended by section
6 2 of this Act.

7 (b) PROVISIONS.—The regulations promulgated pur-
8 suant to subsection (a) shall include—

9 (1) a comprehensive list of the ancillary facili-
10 ties determined by the Secretary to be necessary, ap-
11 propriate, desirable, and useful to the business of
12 the provision of pre-arranged ground transportation
13 service;

14 (2) a schedule of suggested fees for such ancil-
15 lary facilities that may be charged by any transpor-
16 tation terminal operator to a provider of pre-ar-
17 ranged ground transportation service for the avail-
18 ability of that ancillary facility, where such fee is de-
19 termined by the Secretary to be reasonable in rela-
20 tion to the costs of operating the ancillary facility;

21 (3) a requirement that any fee proposed by a
22 transportation terminal operator for the availability
23 of an ancillary facility may not be greater than the
24 fee for that facility provided in the schedule de-
25 scribed in paragraph (2), unless the fee is approved
26 in advance by the Secretary after a public hearing

1 and determination that the proposed fee and the
2 amount of the fee for the availability of that ancil-
3 lary facility at that transportation terminal is rea-
4 sonable in relation to the costs of operating the an-
5 cillary facility and otherwise complies with such sub-
6 section (d); and

7 (4) such other provisions as are determined
8 necessary or appropriate by the Secretary to carry
9 out section 14501(d) of title 49, United States Code,
10 as amended by section 2 of this Act, in a manner
11 that prevents the imposition by a transportation ter-
12 minal operator of—

13 (A) fees to be paid by or with respect to
14 a motor vehicle that is providing prearranged
15 ground transportation service; or

16 (B) any other discriminatory or punitive
17 action or measure against or with respect to a
18 motor vehicle that is providing prearranged
19 ground transportation service.

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